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## HIGH COURT OF CHHATTISGARH, BILASPUR

**Division Bench**: Hon'ble Mr. Jagdish Bhalla, Ag. C.J. &
Hon'ble Mr. Satish K. Agnihotri, J.

**W.P.No.2463/2005**

**PETITIONERS**

1. Chhattisgarh Association of Pathologist (C.A.P.), Raipur, Through: Provincial Vice President Dr. Prabhat Kumar Shrivastava, Aged about 45 years, S/o Shri K.B. Shrivastava, R/o. Jabdapara, Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh
2. Dr. Prabhat Kumar Shrivastava, Aged about 45 years, S/o Shri K.B. Shrivastava, R/o. Jabdapara, Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh

- Versus -

**RESPONDENTS**:

1. State of Chhattisgarh, Through: The Secretary, Government of Chhattisgarh, Department of Health and Family Welfare, D.K.S. Bhawan, Mantralaya, Raipur Chhattisgarh
2. The Director, Directorate of Health Services Raipur, Chhattisgarh
3. The Collector, District Bilaspur, Chhattisgarh
4. The Superintendent of Police, District Bilaspur, Chhattisgarh
5. The Chief Medical &and Health Officer, District Bilaspur, Chhattisgarh
6. Chhattisgarh Paramedical Council Raipur, through its Registrar
7. A.K. Patho Lab, Through : Shri Abhay Tamrakar, Dr. Ashok Mehta Nursing Home, Bilaspur,
8. Arun Chubey Patho Lab, Through : Shri Arun Choubey, C/o Dr. Y.D. Diwan Nursing Home, Bilaspur, District Bilaspur, Chhattisgarh
9. Arif Khan Patho Lab, Trough : Shri Arif Khan, C/o Dr. Gauri Datta, Samadhan Nursing Home, Jarhabhata, Bilaspur, District Bilaspur, Chhattisgarh
10. Javed Khan Patho Lab, Through : Shri Javed Khan, C/o Reliable Nursing Home, Bilaspur, District Bilaspur, Chhattisgarh
11. Niraj Sharma Sanyukta Patho Lab, Through : Shri Niraj Sharma, C/o Dr. Abhiram Sharma, Mannu

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Chowk, Near Mama Bhanja Talab, Bilaspur, District Bilaspur, Chhattisgarh

12. Cheriyan Patho Lab, Through : Shri P.C. Cheiyan, C/o Dr. Riyajuddin, Agrasen Chowk, Bilaspur, District Bilaspur, Chhattisgarh
13. Hasan Patho Lab, Through : Shri Hasan, C/o Dr. Rakesh Sahu, Sindhi Colony, Bilaspur, District Bilaspur, Chhattisgarh
14. Micro Patho Lab, Through : Shri Latif Khan, Juni Line, Bilaspur, District Bilaspur, Chhattisgarh
15. Neeraj Tiwari Patho Lab, Through : Shri Niraj Tiwari, Dayalband, Bilaspur, District Bilaspur, Chhattisgarh
16. R.S. Diagnostic, Through: Ku. Pratima Tiwari, C/o Dr. Lalchandani Nursing Home, Bilaspur, District Bilaspur, Chhattisgarh
17. Mrs. Cheriyan Patho Lab, Through : Mrs. Cheriyan, C/o Dr. Bakshish Dubey Nursing Home, Telipara, Bilaspur, District Bilaspur, Chhattisgarh
18. Shivam Patho Lab, Through : Mrs. Dubey, C/o. Dr. Maya Dubey, Telipara Road, Bilaspur, District Bilaspur, Chhattisgarh
19. Amit Dubey Patho Lab, Through : Shri Amit Dubey, C/o, Dr. Kalwit, Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh
20. Nishant Patho Lab, Through : Shri Nishant Goswami, C/o Dr. Budhia Nursing Home, Near Brahaspati Bazar, Bilaspur, District Bilaspur, Chhattisgarh
21. Shiva Diagnostic Center, Through : Mrs. Naidu, c/o Dr. S.N. Dubey, Near Jeevan Bima Nigam Office, Magarpara Road, Bilaspur, District Bilaspur, Chhattisgarh
22. Shrivastava Patho Lab, Through : Shri Somraj Shrivastava, Near Balram Talkies, Gandhi Nagar, Bilaspur, District Bilaspur, Chhattisgarh ,
23. V.K. Tiwari Patho Lab, Through : Shri N.K. Tiwari, Near Torwa Naka, Bilaspur, District Bilaspur, Chhattisgarh.

24. Ashok Patho Lab, Through : Shri Ashok Kashyap, C/o Dr. Vijay Dixit, Kududand, Bilaspur, District Bilaspur, Chhattisgarh
25. Sharma Patho Lab, Through: Shri Sharma, Near Apollo Hospital, Bilaspur, District Bilaspur, Chhattisgarh.
26. Ritesh Gawtlib Patho Lab, Through: Shri Ritesh Gawtlib, Behind S.B.R. College, Bilaspur, District Bilaspur, Chhattisgarh.
27. Gawtlib Patho Lab, Through: Shri Ritesh Gawtlib, C/o Dr. Abijit Roy, Opp. CIMS, Sadar Bazar, Bilaspur, District Bilaspur, Chhattisgarh.
28. D.K. Patho Lab, Through : Shri Dilip Kuswaha, Opp. Luthre Hospital, Bilaspur, District Bilaspur, Chhattisgarh
29. Mrs. Duby Patho Lab, Through : Mrs. Dubey, C/o Dr. Suparna Mishra, Bilaspur, Chhattisgarh
30. N.K. Patho Lab, Through: Shri Neeraj Tiwari, Opp. Dr. Ashok Banerjee, Dayalband, Bilaspur, District Bilaspur, Chhattisgarh.
31. Vastrakar Patho Lab, Through: Kum Vastrakar, C/o. Oppo. Prathmik Swastha Kendra, Seepat, Bilaspur, District Bilaspur, Chhattisgarh
32. S.K. Patho Lab, Through: Shri Satyendra Rai, New Bus Stand, Pendra, District Bilaspur, Chhattisgarh.
33. Parihar Patho Lab, Through : Shri Aditya Pratap Singh, Sanatorium Hospital Pendra, Bus Stand, Pendra, District Bilaspur, Chhattisgarh
34. Pandey Patho Lab, Through: Shri Pandey, Opposite Masjid, Takhatpur, District Bilaspur, Chhattisgarh.
35. John Patho Lab, Through: Shri John, Kota, District Bilaspur, Chhattisgarh.
36. Gupta Patho Lab, Through: Shri Gupta, Mungeli, District Bilaspur, Chhattisgarh.
37. Soni Patho Lab, Through: Shri P.K. Soni, Mungeli, District Bilaspur, Chhattisgarh.
38. Agrawal Patho Lab, Through: Shri Agrawal, Mungeli, District

Bilaspur, Chhattisgarh.

39. Mahamaya Patho Lab, Through: Shri R.S. Gupta, Pandariya, District Kawardha, Chhattisgarh.
40. Baghel Patho Lab, Through : Dr. B.P. Baghel, Shivrinarayan, District Janjgir Champa, Chhattisgarh
41. Maa Patho Lab, Through : Shri Shekhar Diwan, Ratanpur, District Bilaspur, Chhattisgarh
42. Babi Patho Lab, Through : Shri Shekhar Diwan, Ratanpur, District Bilaspur, Chhattisgarh
43. Chandrakar Patho Lab, Through : Shri Ashwini Chandrakar, Chakarbhata, District Bilaspur, Chhattisgarh
44. Rajput Patho Lab, Through: Shri R.S. Rajput, Akaltara, District Janjgir Champa, Chhattisgarh.
45. Rathore Patho Lab, Through: Shri Rathore, Janjgir, District Janjgir Champa, Chhattisgarh.
46. Prime Patho Lab, Through: Ku. Priyanka Tiwari, Champa, District Janjgir Champa, Chhattisgarh
47. Shrivastava Patho Lab., Through : Somraj Shrivastava, C/o Dr. Dhandhariya, Bilaspur, District Bilaspur, Chhattisgarh
48. Prakash Pandy Patho Lab, Through : Shri Prakash Pandey, C/o Dr. P. Kalwit Nursing Home, Sarkanda , Bilaspur, District Bilaspur (C.G.)
49. Shailesh Sharma Patho Lab, Through Shri Shailesh Sharma, Pamgarh, District Janjgir Champa, Chhattisgarh.
50. Yogesh Patho Lab, Through Shri Yogesh Gupta, Opposite Community Health Centre, Pendra, District Bilaspur, Chhattisgarh.
51. Amit Patho Lab Through Shri Amit Jaiswal, Marwahi Road Pendra, District Bilaspur, Chhattisgarh.
52. Thawait Patho Lab, Through Shri O.P. Thawait, Janjgir, District Janjgir Champa, Chhattisgarh
53. Shivam Patho Lab, Through Dr. P.K. Narula, DCH, Janjgir, District Janjgir Champa, Chhattisgarh
54. Saket Patho Lab, Through Dr. U.C. Sharma, M.D. (Medicine) and Shri J.L. Sahu, DMLT, Janjgir,

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Distt. Janjgir Champa, Chhattisgarh.

55. Nawal Patho Lab Through Dr. Nandini Chandravanshi M.D. (Paed) and Shri Manoj Bareth DMLT, Janjgir, District Janjgir Champa, Chhattisgarh

56. Advanced patho Lab, Through Dr. S. Modi and Mr. Pramod Bareth, DMLT, Janjgir Champa, Chhattisgarh

57. Chandela Patho Lab, Through Dr. B.S. Chandel M.D. (Paed) and Shri Chandra, DMLT, Janjgir, Distt. Janjgir Champa, Chhattisgarh

58. City Patho Lab, Through Dr. Ashutosh Mishra and Shri Mankishore DMLT, Janjgir District Janjgir Champa, Chhattisgarh

59. Sai Patho Lab, Through Dr. O.P. Shrivastava, MBBS, Janjgir, District Janjgir Champa, Chhattisgarh.

60. Positive Patho Lab, Through Ravikant Singh, DMLT, EMLT, Akaltara, District Janjgir Chama, Chhattisgarh

61. City Patho Lab, Through Shri Shailesh Singh Chandel DMLT, Akaltara, District Janjgir Champa, Chhattisgarh.

62. Lavina Patho Lab Through Dr. A. Guin C/o Dr. Prakash Tiwari, DMLT, Akaltara, District Janjgir Champa, Chhattisgarh

63. R.K. Patho Lab Through Dr. Ramayan Singh and Shri Ram Kalash Kaushik, DMLT, Akaltara, District Janjgir Champa, Chhattisgarh.

64. Rajput Patho Lab Through Shri Mahendra Rajput, DMLT, Akaltara, District Janjgir Champa, Chhatisgarh

(Writ Petition under Article 226/227 of the Constitution of India)

Present: Shri Sourabh Dangi and Ms Bharati Soni, counsel for the petitioners.

Shri UNS Deo, Government Advocate for the State.

Shri BP Sharma, counsel for the intervener.

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**Oral Order**

(Passed on 12th December, 2007)

The following order of the Court is passed by Hon'ble Shri Jagdish Bhalla, Ag.C.J.

Learned Government Advocate submits that action would be taken against the un-authorized Pathological Laboratories strictly in accordance with the Indian Medical Council Act, 1956, Chhattisgarh Ayurvigyan Parishad Adhiniyam, 1987 & Chhattisgarh Saha Chikitsa Parishad Act, 2001. Accordingly, the Pathological Laboratories which are running in contravention of any of the aforesaid provision of law would not be permitted to function. It would be open for the State to take necessary action in the matter.

In light of the fair statement made by learned Government Advocate, we do not see any further order required to be passed. Accordingly, the petition stands disposed of.

Sd//-
**Ag. Chief Justice**

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Padma